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IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA

----- X
IN THE MATTER OF: :
:
EXECUTIVE ORDER NUMBER 00-256; :
INQUIRY RELATED TO THE CONDUCT :
OF THE HONORABLE ROBERT BONANNO, :
A CIRCUIT JUDGE :
----- X

GRAND JURY TESTIMONY OF
SCOTT F. PETERKA

DATE: October 3, 2000
TIME: Beginning at 11:00 a.m.
Concluding at 3:15 p.m.
PLACE: Grand Jury Room - Third Floor
Hillsborough County Courthouse
419 Pierce Street
Tampa, Florida 33602
COURT REPORTER: LYND A J. MILLS
Registered Merit Reporter
Notary Public
State of Florida at Large

1 APPEARANCES:

2 On behalf of State:

3 HON. JERRY HILL, STATE ATTORNEY
4 HON. ALFRED C. THULLBERY, JR.
5 Office of the State Attorney
6 Tenth Judicial Circuit
7 255 North Broadway
8 Bartow, Florida 33831-9000
9 (863) 534-4800
10
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19 I N D E X

20 WITNESSES: EXAMINATION BY AT PAGE

21 For the State:

22 SCOTT F. PETERKA Mr. Hill 4
23 Grand Jurors 55
24 Certificate of Reporter 78
25

EXHIBITS

<u>EXHIBIT NO.:</u>	<u>PAGE</u>
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For the State:

No. 1	(Office Layout Board)	49
No. 2	(Calendar Board)	50
No. 3	(Date/Time Line Board)	50

P R O C E E D I N G S

(The Court Reporter, Lynda J. Mills, was
duly sworn by Alfred C. Thullbery, Jr.,
Assistant State Attorney.)

Whereupon,

SCOTT F. PETERKA,
was called as a witness, and being duly sworn by Alfred
C. Thullbery, Jr., Assistant State Attorney, was
examined and testified as follows:

D I R E C T E X A M I N A T I O N

BY MR. HILL:

Q Good afternoon.

A Yes, sir.

Q Would you state your full name for the
Grand Jury and spell your last name?

A It's Scott Frank Peterka. That's
P-E-T-E-R-K-A.

Q And, Scott, you're employed by whom?

A Currently employed by the Florida
Department of Law Enforcement.

Q How long have you worked with them?

A Approximately 13 to 14 years.

Q In what capacity do you now serve?

A As a Special Agent.

Q What does that mean?

1 A I'm a criminal investigator.

2 Q And how long have you served in that
3 capacity with FDLE?

4 A For the past 13 to 14 years.

5 Q Okay. Started with them in that
6 capacity?

7 A Yes, sir.

8 Q All right. Scott, I want to -- I want to
9 do the best we can to cover an incident that occurred
10 in the Hillsborough County Courthouse on July 27th of
11 this year.

12 You were invited in or asked in by the
13 Sheriff's Office to investigate I guess what was
14 purportedly a burglary into the judge's office; is that
15 right?

16 A A burglary, a trespass, however you wish
17 us to term it, yes, sir.

18 Q All right. Why don't you, without me
19 trying to lead you step by step, maybe if you're most
20 comfortable, we can cover that incident first. I think
21 we're going to have to back up and pick up some history
22 to explain everything. But if you would like, maybe we
23 could start with that incident?

24 A You would like me to start with the 27th?

25 Q Are you -- are you more comfortable

1 giving some history and working into it, or do you want
2 to back up to July 12th?

3 A Yes, I think that might be a little
4 easier --

5 Q Okay.

6 A -- if we could do that.

7 Q That's good.

8 A Through our investigation we determined
9 that this -- that there's a number, there's a series of
10 incidents that led up to the incident that occurred on
11 the 27th.

12 On October 12th Governor Jeb Bush
13 directed our agency, the Florida Department of Law
14 Enforcement, to conduct a preliminary investigation
15 into official misconduct allegations concerning the
16 Hillsborough County State Attorney Harry Lee Coe. That
17 was on the 12th.

18 On the 13th State Attorney Coe's body was
19 discovered dead from what has been reported to be a
20 self-inflicted gunshot wound.

21 Following State Attorney Coe's death,
22 Circuit -- Chief Circuit Judge or Chief Judge Dennis
23 Alvarez expressed a desire to be -- to be appointed as
24 interim State Attorney. This appointment would need to
25 be made by the Governor Jeb Bush.

1 Q That was literally on the day of or the
2 day after Harry Coe's body was found?

3 A Yes, sir.

4 Q Okay.

5 A On July 14th Circuit Judge Gaspar
6 Ficarrotta approaches Judge Holder and inquires as to
7 if he would be supportive of voting for Circuit Judge
8 Robert Bonanno to become Chief Judge of this circuit
9 should Chief Judge Dennis Alvarez be appointed Interim
10 State Attorney.

11 Q These are all relationships that won't
12 make a lot of sense the first time you hear it, but
13 they all play a part and will begin to add up later.

14 A Okay. If you have any questions, feel
15 free to ask them if I go through if you don't
16 understand a term or something.

17 GRAND JUROR: Excuse me. Give me the
18 date Alvarez asked for support of Bonanno for
19 Chief Judge, the date.

20 A It was following State Attorney Coe's
21 death, so we're talking around the 13th, the 14th, yes,
22 sir.

23 And that same day, okay, as I was saying,
24 Circuit Judge Gaspar Ficarrotta approached Judge Holder
25 to ask for the support for Robert Bonanno as Chief

1 Judge. Judge Holder's response to Judge Ficarrotta
2 was, and I quote, "When pigs fly." Essentially that
3 would -- that meant no.

4 That same day Judge Holder e-mails
5 Governor Jeb Bush. He sends that e-mail to Jeb -- to
6 the Governor at approximately 8:26 in the morning. And
7 essentially, let me synopsise what he says, he says, "I
8 have always given you my honest opinions,
9 recommendations, and will continue to do so. This is a
10 true tragedy. The State Attorney's Office here is in
11 complete disarray. They need someone to appoint who
12 will not run so it does not appear to be politically
13 motivated. There are folks lining up seeking the
14 appointment for their own ends. The person you appoint
15 must be a person of character, above reproach or
16 suspicion. Having thought much about this last night,
17 I respectfully submit to you that you appoint someone
18 who does not intend to seek this office.

19 "The appointment would then be for a
20 period of six months, would be a six-month job to
21 return the public trust and confidence to the office.
22 This criteria shortens the list."

23 He then goes on to say, "There are
24 several judges interested, some of who would run for
25 this office. As I have mentioned in a very circumspect

1 fashion, we still have an active Judicial Qualification
2 Commission investigation ongoing in the courthouse at
3 this time. Before you consider any such persons, I
4 recommend that you contact the JQC, the Judicial
5 Qualification Commission, General Counsel Tom
6 McDonald," and he provides a phone number.

7 Now, right about this time period there's
8 approximately four JQC investigations ongoing in the
9 courthouse. Do you wish for me to touch on those?

10 Q Why don't you touch on those and then
11 let's tie it together a little more.

12 A Okay.

13 Q Does everybody know what the JQC is,
14 Judicial Qualifications Commission? It's a potentially
15 disciplinary board when it comes to judges. Much of
16 their activity, of course, is secret, confidential,
17 sheltered from public view or review.

18 A Okay. Investigation number one, as has
19 been reported to me by Judge Holder and it's come out
20 in the newspapers, reportedly involved allegations that
21 a Circuit Judge by the name of Edward Ward, who had
22 served on the bench here in Hillsborough County for
23 approximately 19 years, had been sexually harassing
24 female colleagues in the courthouse here.

25 Reportedly, that investigation has been

1 dropped and Judge Ward agreed to retire early. And if
2 my memory serves me correct, he left in late August of
3 this year.

4 The second JQC investigation reportedly
5 involves allegations that Chief Judge Dennis Alvarez
6 attempted to cover up Judge Ward's incidents and/or
7 other incidents of sexual misconduct occurring here in
8 the courthouse.

9 The third JQC investigation reportedly
10 involves a sexual misconduct allegation concerning
11 Circuit Judge Gaspar Ficarrota. That's the gentleman
12 who approached him about voting for Judge Robert
13 Bonanno. That complaint was filed by Judge
14 Ficarrota's bailiff, Tara Pisano.

15 Judge Ficarrota and Ms. Pisano were
16 reportedly involved in a one-and-a-half year
17 extramarital affair. During this affair Ms. Pisano, or
18 Mrs. Pisano, reportedly observed Judge Ficarrota both
19 solicit and collect campaign contributions for Sheriff
20 Cal Henderson's 2000, year 2000 election. These
21 solicitations were allegedly sought from and
22 contributions were allegedly made by various attorneys
23 who were practicing before or appearing before Judge
24 Ficarrota.

25 Then we have investigation number four,

1 which is this issue which was brought to their
2 attention by Judge Holder. And there's rumors of two
3 additional JQC investigations that may be ongoing at
4 this time.

5 Q All right. Just so maybe we can clear it
6 up, --

7 A Yes.

8 Q -- Harry Lee Coe is dead?

9 A That's correct.

10 Q This circuit needs a State Attorney?

11 A Yes, sir.

12 Q The Chief Judge of this circuit, Dennis
13 Alvarez, makes it known almost immediately, almost at
14 the death scene, that he would like to be the next
15 State Attorney?

16 A That's correct.

17 Q Did any other judge to your knowledge
18 express an interest in being State Attorney?

19 A Not to my knowledge.

20 Q Because that e-mail that was sent by
21 Judge Holder to Governor Bush didn't mention a judge by
22 name, but indicated that one wanted to be State
23 Attorney and had political ambitions of running for
24 that office; is that right?

25 A That's correct.

1 Q And suggested without naming him that,
2 "Governor, you really need to take a look at the JQC
3 and see who they're investigating before you appoint
4 the wrong person"?

5 A That's correct, yes.

6 Q All right. Now, if there is no Chief
7 Judge, if that individual became State Attorney, then
8 this circuit also needs a Chief Judge?

9 A That's correct.

10 Q A judge by the name of Ficarrotta goes to
11 see Judge Holder?

12 A Yes, sir.

13 Q In an effort to see if Judge Holder would
14 support Robert Bonanno, Judge Bonanno, for Chief Judge?

15 A Yes, sir.

16 Q Is that accurate?

17 A That's accurate.

18 Q Is that confusing enough? It really is,
19 but stay with it. It will begin to make sense. Now,
20 all of this is kind of coming to Judge Holder who's at
21 the center of this hub who is writing e-mails saying,
22 "Hey, Governor, be careful," and here comes somebody
23 that assumes Dennis Alvarez, who Holder is saying be
24 careful about, is not there and saying, "Well, if he's
25 not there we want you to support Bonanno to be Chief

1 Judge"?

2 A That's correct. And I would like to
3 add --

4 Q Without coming to Holder. And Holder's
5 response is?

6 A "When pigs fly."

7 Q "When pigs fly."

8 A Yes, sir.

9 Q So he's not a fan of Bonanno's or
10 Holder's -- or, excuse me, Bonanno's or Alvarez' as
11 best we can tell?

12 A That's correct. I would like to mention
13 that Chief Judge Dennis Alvarez and Robert Bonanno have
14 been friends since childhood. They went to different
15 high schools. They attended different colleges,
16 although it's been reported to me that Judge Bonanno
17 when attending the University of Florida, he went to a
18 pharmacy school before he got his law degree through
19 the University of Florida. And while in attendance
20 there he was going to school with Dennis Alvarez'
21 brother Chris Alvarez.

22 They then got their law degrees at
23 different institutions and began practicing law here in
24 Hillsborough County for the State Attorney's Office,
25 later branched off into their own law firm, and were

1 then either appointed or elected to their respective
2 judgeships.

3 Judge Alvarez has been a seated judge in
4 this county for approximately 19 years, and Judge
5 Bonanno has been a seated judge here for approximately
6 18 years.

7 Q So they're good friends, and their
8 careers in many ways have climbed together?

9 A Yes, sir.

10 Q All right. At some point -- well, let me
11 ask it this way: Judge Holder has a, correct me if I'm
12 wrong, a reputation amongst some of the judges as being
13 a leak?

14 A I guess you could use that term. He's
15 sort of viewed as a mole here in the courthouse. He is
16 the leak that is disbursing the information to the
17 Judicial Qualifications Commission. As he gets the
18 information he passes it along.

19 Q All right. So there's reason to believe,
20 right or wrong, that he's perceived as communicating
21 with the JQC, reason to believe that he's communicating
22 directly with the Governor?

23 A Yes, sir.

24 Q Reason to believe that in the process of
25 doing those things he is gathering information or

1 maintaining files in his office?

2 A Yes, sir.

3 Q And the logical conclusion if he's
4 talking with these people, and he is not --

5 A When, in fact, he was. He was gathering
6 files in his office.

7 Q Right. And he's not, and again, I'm not
8 sure I'm using the right terms, but he's not one of the
9 good old boys; he's not on the power team with the
10 judges?

11 A That's true. There was recently a
12 newspaper article that came out a few weeks ago in
13 which Judge Alvarez mentioned that all but four of the
14 judges within this circuit were reportedly working
15 where they wanted to be.

16 I questioned Judge Holder as to if he was
17 one of the four that was not. He said that he didn't
18 know how Judge Alvarez came to the conclusion that
19 there were only four, but he believed that, that he was
20 one of those four.

21 Q All right. Is this a good time, Scott,
22 to discuss Judge Holder's temporary J.A.?

23 A Sure.

24 Q It just might help tie in another
25 relationship that could be relevant.